REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of June 23, 2006 (Office Action). This response is filed within the 3-month shortened statutory period, and as such, no fees are believed to be due. However, the Office is expressly authorized to charge any deficiencies and credit any overpayments to Deposit Account 50-0951.

Claims 1-15 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-3, 5-8, 10-13, and 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0053449 to Owens *et al* (hereafter Owens). Claims 4, 9 and 14 were rejected under U.S.C. § 103(a) as being unpatentable over Owens in view of Rango (U.S. Patent 6,788,705).

Applicants have amended independent Claims 1, 6, and 11 to further emphasize certain aspects of Applicants' invention. Additionally, as of this amendment, the limitations in Claims 1, 6, and 11 that were cited as the basis for the rejection of Claims 1-15 under 35 U.S.C. § 112 have been deleted. The claim amendments, as discussed herein, are fully supported throughout the Specification. (See, e.g., Specification, paragraph 0029, p. 10) No new matter is introduced by the claim amendments.

Applicants' Invention

It may be helpful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is a method of automatically resolving a Digital Subscriber Line failure. The method can include detecting a failure of the Digital Subscriber Line. The method further can include establishing a call over a public switched telephone network with an administrative system for the Digital Subscriber Line in response to detecting the failure.

Additionally, the method can include notifying the administrative system of the failure over the established call. The administrative system subsequently can cause the Digital Subscriber Line to be reset. The method also can include storing notification

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information received by the administrative system and/or information generated by the administrative system relating to a course of action implemented by the administrative system in response to the notifying step, the information being stored in a data store connected to the administrative system. (See Specification, e.g., paragraphs 0019-0020, at page 8; see also FIG. 1, especially elements 125 and 130, and FIG. 2, step 230.)

As noted in the Specification, one motivation of the invention is to mitigate a DSL subscriber's frustration with being unable to determine the nature or extent of the DSL failure. (See, e.g., paragraph 0005, at pages 2-3.) Accordingly, the resolving of the DSL failure can include determining when resumption of service over the Digital Subscriber Line can be expected so that a message can be sent to a subscriber to the Digital Subscriber Line informing the subscriber of when resumption of service over the Digital Subscriber Line is expected. (See Specification, e.g., paragraph 0028, at pages 9-10, and FIG. 2, step 235.) According to one particular embodiment, the administrative system can be implemented as a processing system having operational software causing the administrative system to wait a pre-determined amount of time prior to sending the message, in order to verify that service over the Digital Subscriber line has not already been restored prior to transmittal of the message. (See, e.g., Specification, paragraph 0029, at page 10.)

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 6, and 11 were deemed to be anticipated in view of Owens. Owens is directed to a method for remotely communicating with a Broadband modem. (Abstract, lines 1-2; see also paragraph 0019, at page 2.) With Owens, when a communication error is detected on the Broadband modem, a Plain Old Telephone System (POTS) connection is established between the Broadband modem and a remote server. Owens provides a communication comprising Dual-Tone Multi-Frequency (DTMF) tones that are transmitted to the remote server via the POTS connection, the communication conveying information associated with the

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communication error. The remote server of Owens, in turn, proves a diagnosis via the POTS connection, also conveyed in the form of DTMF tones. (Paragraphs 0019-0022, at page 2; see also paragraphs 0057-0071, at pages 4-5, and paragraphs 0081-0086, at pages 5-6.)

Applicants respectfully submit that Owens fails to teach or suggest each of the features recited in independent Claims 1, 6, and 11, as amended. For example, Owens fails to disclose, expressly or inherently, the administration server determining when it would be appropriate to send a message to a subscriber, as recited in each of the amended independent claims 1, 6, and 11, such that a message informing the subscriber to the Digital Subscriber Line when resumption of service over the Digital Subscriber Line is expected is sent only after a pre-determined period of time has passed to verify that service has not already been restored, as further recited in each of the amended independent claims.

Furthermore, the Office Action states in paragraph 2 in regard to Owens anticipating the step of sending a message to the subscriber:

> "In particular, the diagnosis transmitted to the client in step 446 of figure 4B anticipates 'a message informing a subscriber to the DSL of when resumption of service over the DSL is expected.' [T]he diagnosis is sufficient for informing a subscriber of how long it will take a service to resume its normal operation. Further, the diagnosis is determined as claimed in steps 438 and 444."

Applicants respectfully submit that such an interpretation of Figure 4B of Owens is overly broad and that Owens does not anticipate transmittal of a message, especially the message to a subscriber that informs the subscriber when service can be expected to be restored.

Even if the diagnosis transmitted to the client computer can be interpreted as a message transmitted to the subscriber, Owens discloses only that the diagnosis sent contains information regarding the problem encountered, how the user may attempt to correct the problem, and instructions to contact customer support if the user cannot

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resolve the problem on his own. (See page 6, paragraph 0084). Therefore, Owens fails to disclose, expressly or inherently, informing the subscriber when service is expected to be restored.

Second, Applicants respectfully submit that "determining" a diagnosis is not comparable to determining the length of time to restore service to a subscriber. Owens only discloses in steps 438 and 444 determining the cause of the communication error and providing configuration information for the DSL modem to correct the error. (See page 6, paragraph 0084). Owens fails to describe in these steps any method or means to determine the amount of time that will be required to restore service so that a message can be sent informing the subscriber when to expect a restoration of service. It follows that Owens further fails to teach sending the message after a time delay sufficient to verify that service has not already been restored, as expressly recited in the amended claims.

Accordingly, Owens fails to teach or suggest every feature recited in independent Claims 1, 6, and 11, as amended. Applicants thus respectfully maintain that amended independent Claims 1, 6, and 11 define over the prior art. Applicants further respectfully maintain that, whereas each of the remaining dependent claims depends from one of the amended independent claims while reciting additional features, dependent Claims 2-5, 7-10, and 12-15 likewise define over the prior art.

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CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: September 25, 2006

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